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Attorneys for Plaintiffs and the Putative Class

*[Additional Counsel listed, next page]*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

TERRELL JONES, a California resident;  
MICHAEL JOHNSON, a Florida resident;  
DERRICK PAIGE, a Texas resident;  
WILFREDO BETANCOURT, a Nevada  
Resident; YOLANDA McBRAYER, a  
former Colorado resident; and MICHAEL  
PIERSON, a North Carolina resident,  
individually, and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

AGILYSYS, INC., an Ohio corporation;  
AGILYSYS NV, LLC, a Delaware limited  
liability company; and DOES 1 through 100,  
inclusive,

Defendants.

Case No. CV12-3516 SBA

**COLLECTIVE ACTION**

**[UNOPPOSED]**

**NOTICE OF MOTION FOR ORDER  
GRANTING PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT,  
CONDITIONAL CERTIFICATION,  
APPROVAL OF CLASS NOTICE, AND  
SETTING OF FINAL FAIRNESS HEARING**

Date: November 26, 2013  
Time: 1:00 p.m.  
Dept: Courtroom 1 (Fourth Floor)  
Judge: Hon. Sandra B. Armstrong

Filed: July 6, 2012  
Trial date: None set

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Attorneys for Plaintiffs and the Putative Class

1 **TO: ALL INTERESTED PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on November 26, 2013 at 1:00 p.m. before this  
3 Court located in the Ronald V. Dellums Federal Building located at 1301 Clay Street, in  
4 Courtroom No. 1 (Fourth Floor), Oakland, California 94612, Named Plaintiffs Terrell Jones,  
5 Michael Johnson, Derrick Paige, Wilfredo Betancourt, Yolanda McBrayer, and Michael Pierson,  
6 individually, and on behalf all others similarly situated will, and hereby does, move this Court for  
7 an Order which has the effect of doing the following:

8 1) Granting preliminary approval of the Class and Collective Action Settlement set  
9 forth more particularly in the Amended Settlement Agreement attached as Exhibit "1" to the  
10 Declaration of Isam C. Khoury, filed concurrently with this motion,

11 2) Granting conditional certification of a collective action pursuant to 216(b) of the  
12 Fair Labor Standards Act ("FLSA"),

13 3) Approving the proposed Notice of Class Action Settlement and Claim  
14 Form/FLSA Consent to Join Form, to be sent to the Class advising them of the pendency of class  
15 action and proposed Settlement, of the schedule and procedure for the filing of claims to receive  
16 their monetary share of the proposed Settlement, and of objections, if any, to the proposed  
17 Settlement; and

18 4) Setting a Final Fairness Hearing to consider Final Approval of the proposed  
19 Settlement.

20 The Parties have met and conferred, and Plaintiffs anticipate no objection to this motion  
21 from Defendants.

22 This Motion is based upon this Notice of Motion and Motion, the attached Memorandum  
23 of Points and Authorities, Complaint on file, the Declarations of Terrell Jones, Michael Johnson,  
24 Derrick Paige, Wilfredo Betancourt, Yolanda McBrayer, Michael Pierson, Brian Chase, Isam C.  
25 Khoury and Jerusalem F. Beligan filed herewith, the proposed Amended Settlement Agreement  
26 and proposed class Notice filed herewith; and the [Proposed] Order Granting Preliminary

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1 Approval of the Class Action Settlement; the other records and files in this action; and such other  
2 matters as may be properly presented at or before the hearing.

3 Respectfully submitted

4 Dated: October 18, 2013

BISNAR | CHASE

5  
6 By: /s/ Jerusalem F. Beligan  
Jerusalem F. Beligan  
7 Attorneys for Plaintiffs and the Putative Class

8 Dated: October 18, 2013

COHELAN KHOURY & SINGER

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10 By: /s/ Diana M. Khoury  
11 Diana M. Khoury  
12 Attorneys for Plaintiffs and Putative Class  
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